

Pirate Party Australia National Congress 2014

Brisbane, 19–20 July 2014

Programme

Contents

1	Agenda	3
2	Birgitta Jónsdóttir: The Importance of Pirate Parties in 21st Century Lawmaking	4
3	Constitutional amendment proposals	5
CAP-1	Non-profit clause	5
CAP-2A	Extend time between National Congresses	5
CAP-2B	Fix National Congress dates and National Council terms	6
CAP-3	Amend Principles to include evidence-based policy, and deliberative and open government	6
CAP-4	Minor spelling and grammatical corrections	7
CAP-5	Clarify and remove unnecessary examples from Article 2(1)	7
CAP-6	Clarify Article 2(5)	8
CAP-7	Update membership requirements and powers in Article 4.1	8
CAP-8	Clarify ambiguity of Article 6(6)	9
CAP-9	Create Article for National Congress Online Voting	9
CAP-10	Correct Ambiguity for Article 11(1) (Dispute Resolution Committee)	10
CAP-11	Move Article 3.1.1 to become Article 4.5	10
CAP-12	Standardise Election of Registered Officer	10
CAP-13	Requirement for National Congresses to have online participation	11
CAP-14	Announcement criteria for National Congress	11
CAP-15	Insert a new part: Definitions	12
CAP-16	Clarify some references to majorities and quorum	12
CAP-17	Make "Pre-Selection of Candidates for Election to Federal Parliament" a top level Article	13
CAP-18	Clarify policy formulation	14
CAP-19	Consistent references to numbers	14
CAP-20	National Congress Quorum clarification	14
4	Formal motions	15
FM-1	Conditional withdrawal from Pirate Parties International	15
5	Policy motions	16
PM-1	Constitutional reform	16
PM-2	Copyright amendments	18
PM-3	Education	19
PM-4	Energy, Environment and Climate Change & Animal Welfare	22
PM-5	Tort of Privacy	27
PM-6	Tax and Welfare	27
	References for policy motions	32
6	Discussion topics	38

1 Agenda

(Subject to change)

Day 1: Saturday, 19 July 2014

- 09:00** Set up
- 10:00** President opens Congress
- 10:10** Housekeeping
- 10:15** Adoption of standing orders
- 10:20** Outgoing National Council reports
- 11:00** Guest speaker: Birgitta Jónsdóttir (Pirate Party MP, Iceland)
- 11:50** 10 minute break
- 12:00** Motions (constitutional, formal and policy)
- 13:00** Lunch
- 14:00** Motions (continued)
- 16:00** Close of Day 1

Day 2: Sunday, 20 July 2014

- 09:00** Set up
- 10:00** Housekeeping
- 10:05** Standing orders
- 10:10** Nominations (National Council, DRC, PDC, Coordinators)
- 11:50** 10 minute break
- 12:00** Discussion space
- 13:00** Lunch
- 14:00** Discussion space
- 16:45** Location of next National Congress
- 17:00** Close of Day 2

2 Birgitta Jónsdóttir: The Importance of Pirate Parties in 21st Century Lawmaking

Birgitta Jónsdóttir is an Icelandic “Poetician” who is currently serving as a member of the Icelandic Parliament for the Pirate Party, and is one of the founders of the party. Birgitta is also the founder and Chairperson of the International Modern Media Institute, better known as IMMI.

Birgitta first entered the Icelandic Parliament for the Civic Movement, which she co-created in 2009, a coalition of the grassroots movements that were formed in the wake of the financial crisis. The party got 7.2% of the national vote. She has served in all the major committees in the Parliament and is currently a co-chair in the Constitutional and Supervisory Committee, and a permanent member of the Icelandic delegation to the IPU. Birgitta introduced a horizontal structure to both parties she co-created and has enjoyed experimentation on leaderless politics with strong focus on reforming democracy, a constitutional rewrite for and by the people of Iceland, and direct democracy. She specializes in lawmaking for the 21st century.



Birgitta has worked as a volunteer and activist for various organisations including WikiLeaks, Saving Iceland, and Friends of Tibet in Iceland. She carries on being an activist in Parliament, a Poet and a Pirate. She organised Iceland's first online broadcast in 1996, was the first female Icelandic web developer and has worked as a publisher in cyberspace for Beyond Borders since 1995.

3 Constitutional amendment proposals

CAP-1 Non-profit clause

Put by: Mozart Olbrycht-Palmer, on behalf of the National Council

MOTION

- Insert the following as Article 1(2):

Pirate Party Australia is a non-profit organisation. The assets and income of the organisation shall be applied solely in furtherance of its above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

RATIONALE

In January the National Council enacted this as a temporary operational amendment to the Party Constitution to ensure we met the requirements of a non-profit organisation for banking purposes.

It codified the existing practice. At present no member of Pirate Party Australia is paid or reimbursed, except where they incur genuine expenses on behalf of the Party. Therefore, we are already a non-profit organisation in practice.

According to Article 8.4(2) this must come before a vote at the National Congress, and it will lapse if it does not pass.

CAP-2A Extend time between National Congresses

Put by: Mozart Olbrycht-Palmer and Brendan Molloy, on behalf of the National Council

MOTION

- Replace "twelve months" with "thirteen (13) months" in Article 2(3).
- Replace "12 months" with "thirteen (13) months" in Article 6.1(2).
- Replace "twelve (12) months" with "thirteen (13) months" in Article 9.1(1).

RATIONALE

In April the National Council enacted this as a temporary operational amendment to the Party Constitution in order to provide more flexibility when choosing the date of the National Congress.

Extending the time out to 13 months allows for the date of the National Congress to be selected according to other considerations. For example, this year the venue was not available on the chosen date, and vital organisers were not available on the original date we had hoped for. Bringing the date forward to the end of June would cause possible conflict with exams for many of our student members, and pushing it back to the end of July was unconstitutional. The temporary amendment was passed for this reason, which is why we are able to hold it closer to the end of July this year.

This amendment will provide the National Council with greater flexibility when it comes to setting the date of the National Congress.

According to Article 8.4(2) this must come before a vote at the National Congress, and it will lapse if it does not pass.

CAP-2B Fix National Congress dates and National Council terms

Put by: Brendan Molloy

MOTION

- Delete “, for a period of no more than twelve months” from Article 2(3).
- Replace Article 6.1(2) with:

A National Congress must be held in July each year, and shall be referred to as the Annual National Congress where disambiguation is necessary.

- Replace Article 9.1(1) with:

The positions enumerated within Article 3.3 will be appointed by election through a vote of the Full Members at the National Congress, for a term that shall begin at the National Congress at which they are elected, and will all end at the next Annual National Congress, except where otherwise provided for in this Constitution.

RATIONALE

The amendments to Article 2(3) and Article 9.1(1) do not remove the term limit—they merely remove points of inconsistency. Article 9.1(1) states that the term begins at the National Congress and ends at the next one, but also states a maximum time period of 12 months. This removes the time period ambiguity and links it directly to Article 6.1(2).

This wording ensures that a National Congress is always hosted in July, which has been the month used for the last 5, which also provides for enough wiggle room to not require awkward election periods of 13 months, as this would allow at most a tenure of 1 July to the next 31 July, and at a minimum 31 July to the next 1 July.

For the sake of clarity, the National Congress always has the ability to motion for the spilling of any position within the party regardless of whether this amendment passes. This means that calling an emergency National Congress to remove a bad National Council would still follow the same procedure as before, except the replacement NC would automatically spill at the next Annual National Congress.

CAP-3 Amend Principles to include evidence-based policy, and deliberative and open government

Put by: Brendan Molloy

MOTION

- Replace “transparency and open government.” with “transparency, evidence-based policy, and deliberative and open government.” in Part I.

RATIONALE

Some people have asked on what basis we guarantee that our policies are based on the best available evidence. While convention is sufficient for many, this amendment would codify this convention into a party principle. It also clarifies our position on taking a deliberative approach to solving problems, instead of who can yell the loudest.

CAP-4 Minor spelling and grammatical corrections

Put by: Brendan Molloy

MOTION

- Replace “meeting- however” with “meeting. However,” in Article 6(3).
- Replace “unaffiliate” with “disaffiliate” in Article 6.1(4) and Article 6(9).
- Replace “competing in” with “contesting”, and replace “Such branches would” with “These branches”, in Article 2.1(2).
- Replace “two thirds” with “two-thirds” anywhere it appears in the Constitution.
- Replace “should” with “must” in Article 6 and all subarticles.
- Replace Article 5.1(1) with:

Policy development must occur with as much interaction with members as is feasible, the process must be as participatory as is feasible, and outcomes must be reached through consensus where feasible.

RATIONALE

Minor typographical and grammatical error corrections. Made Article 5.1(1) read significantly better, changing some “should” to “must” and “possible” to “feasible”.

CAP-5 Clarify and remove unnecessary examples from Article 2(1)

Put by: Brendan Molloy and Tim Serong

MOTION

- Replace Article 2(1) with:

The Party shall be governed at a Federal level by a body entitled the “National Council”. The National Council may create additional structures and subordinate organisations, such as committees, working groups or branches, as it sees fit.

RATIONALE

Presumption of committee names in the Constitution is a bit annoying, and in the process, unnecessary implied what style of subordinate organisation that the NC would be empowered to create, which is now clarified.

Clarifies that the NC has the power to create committees, working groups and branches, as it already has. It also clarifies that a branch is considered a subordinate organisation that can be overridden by the Federal Party.

CAP-6 Clarify Article 2(5)

Put by: Brendan Molloy

MOTION

- Replace Article 2(5) with:

- The National Council, as the paramount governing body of the Party, has the authority to overrule or amend any policy or decision of any subordinate organisation (except the Dispute Resolution Committee), if it deems those things to be inconsistent with or repugnant to the values, ideals or policies of the Party.
- A two-thirds majority vote of the National Council is required for any action from paragraph (5) to be taken against a subordinate organisation or their decisions.

RATIONALE

There were major grammatical flaws in this paragraph, which have been corrected, without changing the purpose behind this paragraph, by breaking it into two separate paragraphs.

CAP-7 Update membership requirements and powers in Article 4.1

Put by: Brendan Molloy

MOTION

- Replace “registered” with “registered or unregistered” in Article 4.1(1)(c).
- Replace Article 4.1(1)(d) with:

Have not been members of another registered or unregistered political party in Australia in the previous twelve (12) months, unless this is disclosed in the membership application by the applicant.

- Replace Article 4.1(2) with:

- A Member’s Party membership will not lapse unless the Member resigns from the Party in writing to the National Council, or an applicable membership fee is failed to be paid more than ninety (90) days after their membership period has expired.
- A Member must be sent an email to inform them that their membership will lapse in 30 days before that Member’s membership may lapse.
- The National Council may at its discretion opt to waive membership fees on a case-by-case basis.

RATIONALE

The first and second items ensure that members who join that were previously members of a party that was or is unregistered must declare it on their application form. This also changes the requirement from requiring an active acknowledgement from the National Council. This power had never been exercised.

The third item clarifies our membership arrangements such that a member can have their membership declared to have lapsed after 90 days, not within two years as the current Constitution states. A safeguard is introduced to require that that member is informed that their membership will lapse 30 days before it lapses. This means that if the National Council does not notice that a

member has been late in their payment of their dues, they cannot be removed without an extra 30 days of warning being provided.

It also ensures that the National Council has explicit powers to waive membership fees conditionally, such as in cases of hardship.

CAP-8 Clarify ambiguity of Article 6(6)

Put by: Brendan Molloy

MOTION

- Replace Article 6(6) with:

The method of voting and the medium by which the meeting occurs is to be determined by the meeting facilitator, except where otherwise provided for by this Constitution.

RATIONALE

This paragraph was grammatically flawed, with the potential to cause confusion. The purpose of this clause has not been changed beyond correcting any ambiguity.

CAP-9 Create Article for National Congress Online Voting

Put by: Brendan Molloy

MOTION

- Delete Article 6(9).
- Insert a subsection at the end of Article 6 as follows:

6.x Online Voting

- (1) Some elements of the National Congress and Policy Meetings are required to be put to a final vote on an online voting system.
- (2) The online voting period must not be less than seven (7) days.
- (3) Motions of the following types that carry at a National Congress will be put to a final vote on an online voting system for Full Members, where said motions will only carry if they pass by the threshold provided for by the Constitution, or where not provided, a two-thirds majority:
 - (a) Constitutional amendments,
 - (b) Platform amendments, policy amendments and position statements
 - (c) Other documentation that guides party position or direction, and
 - (d) Party mergers, formal affiliations or disaffiliations with other organisations.
- (4) Motions of the following types that carry at a Policy Meeting will be put to a final vote on an online voting system for Full Members, where said motions will only carry if they pass by the threshold provided for by the Constitution, or where not provided, a two-thirds majority:
 - (a) Platform amendments, policy amendments and position statements
- (5) Officer election requirements as provided for by the Constitution, including for the Dispute Resolution Committee, will be fulfilled by the online voting system.

RATIONALE

The current wording is all shoved into the end of another Article somewhat as an afterthought, with rushed and difficult to understand wording. That paragraph has been expanded to a full

Article for easier amendment and expansion in the future, and clarifies some edge-cases that were left ambiguous by the previous wording.

EDIT (8 July, 2014): conditional markers referred to a proposal that had been withdrawn, so updated to reflect that. Also corrected the insertion position in the motion, as it was invalid.

CAP-10 Correct Ambiguity for Article 11(1) (Dispute Resolution Committee)

Put by: Brendan Molloy

MOTION

- Remove Article 11(1)(a)
- Amend Article 11(1) to:

At the National Congress, members of the Party must elect three (3) members who will form the Dispute Resolution Committee, as per the requirements of Article 9.1.

RATIONALE

Clears up some ambiguity.

Changes the voting mechanism from simple majority to optional preferential voting, as per all other officer elections. It simply cannot work (and has never been done!) for multi-candidate elections.

Removes an unenforceable clause about someone “should” be legally qualified. This can be returned in the future if we choose to reform the DRC properly.

CAP-11 Move Article 3.1.1 to become Article 4.5

Put by: Brendan Molloy

MOTION

- Move Article 3.1.1 to become Article 4.5
- Remove now empty Article 3.1

RATIONALE

This was proposed at the last National Congress but in the context of the larger document does not make sense to be placed where it has been and should be moved back to Article 4.

CAP-12 Standardise Election of Registered Officer

Put by: Brendan Molloy

MOTION

- Remove Article 3.3.7.1(3)

RATIONALE

It does not make sense that this position is elected differently to the other councillors.

CAP-13 Requirement for National Congresses to have online participation

Put by: Brendan Molloy

MOTION

- Insert paragraph at the end of Article 6.1:

Every effort must be taken to ensure that there is some accessible and as equitable as feasible mechanism available for remote participation at the National Congress.

RATIONALE

Enshrining something that we have continually done for the last several Congresses to ensure that this continues regardless of who the National Council is made up of.

A poem about this is courtesy of Andrew Downing:

*Online members are important
else our cause will be discordant.
Every effort must be taken
to ensure they're not forsaken.
At our congress they're online
or else our motions are not fine.*

CAP-14 Announcement criteria for National Congress

Put by: Brendan Molloy

MOTION

- Delete “and at least seven days in advance of the National Congress” from Article 6(2)
- Insert paragraph after Article 6.1(2):

- The National Congress must be announced forty-two (42) days prior to the date of the National Congress.
- The agenda must be finalised at least seven (7) days prior to the date of the National Congress.

RATIONALE

42 days is 6 weeks.

The current wording allows a National Congress to be called within 7 days. This is an issue for multiple reasons.

Article 8.1(2) requires that constitutional amendments are proposed 28 days prior to the National Congress, but there is no formal way to propose an amendment prior to the announcement of

the meeting, making it impossible to amend the constitution if a meeting is called less than 28 days before it is expected to occur.

It is also an unreasonably short period of time to give to the members to organise flights and accommodation if the National Congress is being held as a physical event.

Also 42.

CAP-15 Insert a new part: Definitions

Put by: Brendan Molloy

MOTION

- Insert the following part after Part I:

Part II: Definitions

Simple majority: one half (1/2), ignoring the remainder, plus one (1) of votes on the motion must be in favour of the motion for it to carry. Abstaining is not considered for the purposes of calculating the majority but still contributes to meeting the relevant quorum.

Absolute majority: one half (1/2), ignoring the remainder, plus one (1) of all members who have the right to vote on the motion must vote in favour of the motion for it carry. For the purposes of this type of majority, abstaining is equivalent to voting against the motion.

Two-thirds majority: two-thirds (2/3), ignoring the remainder, plus one (1) of votes on the motion must be in favour of the motion for it to carry. Abstaining is not considered for the purposes of calculating the majority but still contributes to meeting the relevant quorum.

Absolute two-thirds majority: two-thirds (2/3), ignoring the remainder, plus one (1) of all members who have the right to vote on the motion must vote in favour of the motion for it carry. For the purposes of this type of majority, abstaining is equivalent to voting against the motion.

Three-quarters majority: three-quarters (3/4), ignoring the remainder, plus one (1) of votes on the motion must be in favour of the motion for it to carry. Abstaining is not considered for the purposes of calculating the majority but still contributes to meeting the relevant quorum.

Optional preferential voting: a type of voting where the voter may opt to fill in as few as none and as many as all of the fields provided, with numbering relevant to the voting system being used.

RATIONALE

Other parties such as the Greens have a Definitions part to their Constitution, which serves to clarify the definition of terms commonly used within the Constitution that may result in debate and confusion if not clearly defined in a central repository.

It is foreseen based on our experience with PPI that debates about what constitutes a majority are a popular area of contention in close votes, so this preemptively solves this issue.

CAP-16 Clarify some references to majorities and quorum

Put by: Brendan Molloy

MOTION

- Replace "majority" with "simple majority" in Article 6(5).
- Replace "majority" with "two-thirds majority" in Article 6.1(4).

- Replace “A majority vote of the” with “The” in Article 4.3(1)
- Replace Article 3.2 with:

3.2 Quorum and Majorities

- (1) Unless otherwise provided within this Constitution, no question regarding Party business is to be decided or resolved at a meeting of the National Council unless at least five (5) members or two-thirds of the National Council are present, whichever number is greater.
- (2) A Councillor may add their contribution to quorum if they are unable to attend, but only for specified issues, by express, written consent, conditional on the following:
 - (a) The vote may only be applied where the exact motion text was known to the Councillor in advance, and the vote is for the unmodified text.
 - (b) Written consent must be included within the minutes.
- (3) *(If CAP-15 lapses)* Only for the purposes of calculating a majority, Councillors who are not present are considered to have voted against the motion being considered if a Councillor has not provided a position on that motion as per paragraph (2).
- (4) *(If CAP-15 carries)* All motions must be carried by an absolute two-thirds majority of the National Council.
- (5) The quorum for any motion to accept the minutes of a previous meeting is set at the number of Councillors who attended that meeting. All Councillors absent from the previous meeting abstain by default.

RATIONALE

The first item of the motion clarifies the type of majority in Article 6(5).

The second item changes the requirement for a successful vote to affiliate or disaffiliate from an organisation to be two-thirds instead of a simple majority.

The third item merely removes a tautology. (Original line: *“A majority vote of the National Council may propose to existing members the creation of additional categories of Membership of the Party.”*)

The final item relays out the article, changing its title to clarify its purpose, and moving some of the paragraphs to the top level, as their placement was erroneous. Some terms have been capitalised for consistency. The line *“Written consent must be included within the minutes.”* has had “should” changed to “must”.

The final item of the text introduces a new rule to solve ambiguity when dealing with the acceptance of minutes of a previous meeting. I am uncertain whether it would be best to have this in the Constitution or as a by-law. This can be determined at the Congress.

CAP-17 Make “Pre-Selection of Candidates for Election to Federal Parliament” a top level Article

Put by: Brendan Molloy

MOTION

- Move Article 6.3 to become Article 7

RATIONALE

It doesn’t make sense to have such an important Article shoved into Meeting Procedure and Requirements.

CAP-18 Clarify policy formulation

Put by: Brendan Molloy

MOTION

- Delete Article 5.2(2)

RATIONALE

Article 5.2(2) states that new policy should be introduced by the tenuous phrase “general consensus”. The paragraph goes on to require the National Council to then vote on whether there was consensus, and if not, put it to a vote. As we have always put our policies to a majority vote, this article no longer has relevance and is currently contradictory our practices, and has been overlooked for years.

CAP-19 Consistent references to numbers

Put by: Brendan Molloy

MOTION

- Change all references to numbers to follow the format of written form followed by numerical digit in brackets, eg four (4), forty (40), fifteen hundred and six (1506).

RATIONALE

Consistency.

CAP-20 National Congress Quorum clarification

Put by: Brendan Molloy

MOTION

- Insert the following paragraph into Article 6.1:

No business shall be considered by the National Congress unless a quorum of twenty (20) members is met.

RATIONALE

Party convention has introduced ambiguity on what constitutes a quorum for the National Congress due to the introduction of online voting. This clarifies that no business may be considered without at least 20 people being present, be it remotely or physically, for the proceeding of the Congress that result in the motions to be voted on by the larger membership body who choose not to attend the meeting.

4 Formal motions

FM-1 Conditional withdrawal from Pirate Parties International

Put by: Simon Frew, on behalf of the National Council

MOTION

That the National Council be granted permission to withdraw Pirate Party Australia from Pirate Parties International if any of the following conditions are not met by 31 January, 2015:

- (1) An online General Assembly is held.
- (2) The following statute amendment proposals are instituted:
 - (a) Remote delegates are given equal ability to participate in the formal aspects of General Assemblies.
 - (b) Caps are introduced on the number of nominees for the Board a member of PPI may sponsor.
 - (c) An improved voting method (such as a preferential method) for electing the Board is instituted.
 - (d) A definitions section to define different types of majorities.
- (3) The following is instituted by PPI:
 - (a) A fair and democratic process is ensured for determining who represents PPI at WIPO, WTO, etc.
 - (b) Liaison officers for regional representation are introduced (such as an Asia-Pacific Co-ordinator).
- (4) The Board remains stable and does not suffer from resignations due to dysfunction.

Should any of these conditions fail to be met, the National Council may opt to withdraw the Party from PPI at its discretion.

5 Policy motions

PM-1 Constitutional reform

Put by: Mozart Olbrycht-Palmer, on behalf of the Policy Development Committee

MOTION

To accept the proposed Constitutional Reform Policy.

PREAMBLE AND PLATFORM AMENDMENT

The Constitution of Australia has been amended only eight times¹ since it came into force in 1901. It was drafted in the final decade of the Nineteenth Century and contains many flaws that reflect the cultural attitudes of the time.² The Australian Constitution can only be amended through a referendum, and Pirate Party Australia is committed to putting the following constitutional reforms on the agenda.

An Australian Bill of Rights

The Pirate Party supports the introduction of a constitutional Bill of Rights in Australia — view details here.

Citizens' initiatives

Australians lack any direct way to enact, amend, repeal or vote for or against legislation which affects their lives. A solution to this is to allow citizens to directly petition the Commonwealth Parliament for referendums.

Citizens' initiatives allow citizens to directly participate in legislative decisions. Mechanisms of this kind have been implemented in various forms and to varying degrees in Austria,³ at the supranational level in the European Union,⁴ Finland,⁵ all German states,⁶ Hungary,⁷ Italy,⁸ Latvia,⁹ Lichtenstein,¹⁰ Lithuania,¹¹ New Zealand,¹² Poland,¹³ Portugal,¹⁴ Spain,¹⁵ Switzerland,¹⁶ several states of the United States¹⁷ and Uruguay.¹⁸

The Pirate Party supports the right of Australians to exercise legislative power in certain circumstances using citizens' initiatives. However, the Pirate Party also recognises that setting a threshold is necessary to prevent abuse of the system by special interest groups.

The Pirate Party therefore supports two levels of initiatives modelled closely on the systems in Latvia, Hungary, Brandenburg and Hamburg,¹⁹ but with adjustments made to accommodate Australia's significant geographic size and low population density. The first level, an agenda initiative, would have a lower threshold and be a binding petition to place an issue on the parliamentary agenda. If Parliament fails to take action, a full-scale initiative with a higher threshold would compel Parliament to hold a binding referendum. This allows legislative development to be guided by parliamentary institutions and procedures and to arrive at considered and enlightened decisions, as well as helping to avoid populism and the disregarding of minority interests.²⁰ Combining agenda and full-scale initiatives allows Australian citizens to encourage their representatives to take action, while providing a mechanism to challenge parliamentary decisions.

The Pirate Party supports legislation allowing citizens' initiatives as a temporary measure, but ultimately this right should be enshrined in the Australian Constitution.

Recognition of Indigenous Australians and prohibition of racial discrimination

Although European colonisation of our country began in 1788, the Australian continent has been the home of indigenous societies and cultures for at least 40,000 years.²¹ However, numerous indigenous societies have faced virtual destruction as a consequence of discrimination,²² paternalism,²³ genocide,²⁴ as well as the introduction of diseases,²⁵ substance abuse,²⁶ slavery²⁷ and dependency on the state.²⁸ Families have been broken up,²⁹ and discrimination in the criminal justice system³⁰ has inflicted further harm on Indigenous Australians and their societies. Moves to amend the travesties of the past have been positive. The High Court's decision in the *Mabo v Queensland (No 2)*³¹ overturned the doctrine of *terra nullius* that was used to dispossess Indigenous Australians.³² The *Native Title Act 1993* (Cth) restored some land rights to Indigenous Australians. The 2008 apology to Indigenous Australians was symbolic of a nation willing to make amends for the horrors of the past.³³ However, more needs to be done before we can truly have reconciliation in Australia.

Efforts have been made to recognise the rights of indigenous peoples (particularly in relation to land) in places such as the United States, New Zealand, Canada, Malaysia and South Africa.³⁴ The Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples draws attention to the recognition of indigenous inhabitants in Finland, Norway, Sweden, Greenland (Denmark), Russia, Bolivia, Brazil, Colombia, Ecuador, Mexico and the Philippines, in addition to Canada, New Zealand, South Africa and the United States.³⁵ These efforts range from recognition by the courts to treaties and constitutional recognition.

The Australian Constitution does not recognise Indigenous Australians as the original inhabitants of our country. It was drafted in an era of racial discrimination and the shadow on our constitution is undeniable.³⁶ In particular Section 25 permits states to discriminate on the basis of race by disqualifying persons of that race from voting, and Section 51(xxvi) permits the Commonwealth Parliament to create laws for "the people of any race for whom it is deemed necessary to make special laws."³⁷

It is against this backdrop that the Pirate Party supports the recommendations of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples for a single referendum to repeal the 'race provisions' in the Australian Constitution (Sections 25 and 51(xxvi)), recognise Indigenous Australians as the original inhabitants and their languages as the original languages, and to include an explicit prohibition of racial discrimination.³⁸ The Pirate Party agrees that, although there is still a long way to go, "constitutional recognition would provide a foundation to bring the 2.5 per cent [of Indigenous Australians] and the 97.5 per cent [of non-indigenous Australians] together, in a spirit of equality, recognition and respect, and contribute to a truly reconciled nation for the benefit of all Australians."³⁹

POLICY TEXT

Support for citizens' initiatives

- Enact a referendum to insert provisions allowing citizens' initiatives in the Australian Constitution.
 - Initiatives would be divided into two tiers: "agenda initiatives" and "full-scale initiatives."
 - * Agenda initiatives would be non-binding mechanisms modelled on the systems in Latvia, Hungary, Brandenburg and Hamburg, which would compel Parliament to consider a particular proposal.⁴⁰
 - Agenda initiatives would have a petition threshold set at 0.2% of the number of enrolled electors at the Federal Election prior to the submission of the petition.
 - * Full-scale initiatives are binding mechanisms to compel the holding of a referendum on a particular proposal.
 - Full-scale initiatives would have a petition threshold set at 1% of the number of enrolled electors at the Federal Election prior to the submission of the petition.
 - Citizens' initiatives should be permitted for enacting, amending, repealing or otherwise challenging legislation.
- Specifics relating to citizens' initiatives would be dealt with by legislation.

- Citizens' initiatives will be obliged to provide reasons for the petition and identify objectionable aims or provisions of the legislation if supporting a repeal.
- Legislation repealed or rejected as a result of a citizens' initiative (or legislation that is similar) could not be re-enacted without the approval of a referendum unless the objectionable provisions or their effect have been removed.⁴¹
 - * The High Court of Australia will have power to determine whether legislation is the same or similar and whether or not the objectionable aspects remain.
- To avoid excessive polling, referendums should be held at fixed intervals.⁴²
 - * Unless there are three or greater successful full-scale initiatives, referendums should be held at the same time as Federal Elections.

Support for the recommendations of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples

- The Pirate Party supports a referendum as recommended by the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples⁴³ in order to:
 - Repeal Section 25 and Section 51(xxvi) of the Constitution.
 - Insert a new Section 51A recognising Aboriginal and Torres Strait Islander peoples and providing the Commonwealth Parliament with the power to make laws in the interests of Indigenous Australians.
 - Insert a new Section 116A prohibiting racial discrimination.
 - Insert a new Section 127A recognising English as the national language and the Aboriginal and Torres Strait Islander languages as the original Australian languages, a part of our national heritage.

Certain decisions to be reserved for Parliament

- The decision to go to war should be vested exclusively in the Australian Parliament, not the Executive.
- Executive power should be removed with regard to international legal instruments such as treaties and trade agreements.
 - The accession to and ratification of such instruments will be decided by Parliament.

PM-2 Copyright amendments

Put by: Mozart Olbrycht-Palmer, on behalf of the Policy Development Committee

MOTION

To insert the proposed amendments at the end of the Copyright Policy.

POLICY TEXT

Promote fair pricing and discourage artificial market segmentation

- Implement the recommendations of the IT Pricing Inquiry⁴⁴ in particular:
 - Lifting the parallel importation restrictions still found in the *Copyright Act 1968* (Cth).
 - Allowing consumers to circumvent technological protection measures that control geographic market segmentation (see "Curtail attempts to restrict consumer rights" above).
 - Educating Australian consumers and businesses as to how to circumvent geoblocking mechanisms, and what rights might be affected as a result.
 - Creating a right of resale in relation to digitally distributed content.
 - Restricting vendors' abilities to lock digital content into particular ecosystems.
 - Introducing a ban on geoblocking to address persistent market failures.
 - Amending the *Competition and Consumer Act 2010* (Cth) so that contracts or terms of

service attempting to enforce geoblocking are considered void.

PM-3 Education

Put by: Mark Gibbons, on behalf of the Policy Development Committee

MOTION

To replace the existing Education and Skills Policy with the proposed Education Policy.

PREAMBLE AND PLATFORM AMENDMENT

Education is a powerful determinant of well-being. It is a source of wealth, a provider of life skills, an enabler of participation, and a core component of civil society. The 2000 Dakar World Education Conference noted that all young people have the right to an education that includes “learning to know, to do, to live together and to be”.⁴⁵ At all stages of our education system, Pirate Party Australia will support vibrant secular instruction and forms of accountability that link closely to the community and public.

Early childhood education

Early childhood education is crucial to a child’s development in later life. We will seek to provide a means for parents to play a greater role in childcare by trialling a system of childcare co-operatives based on successful overseas models.⁴⁶ Willing parents will be able to combine resources, providing low-cost or free childcare through a roster system in which parents take turns as carers and volunteers. This will provide social opportunities to new families and also reduce pressure on the existing childcare system.

School education

The principle of free, secular and compulsory schooling held sway for decades in Australia, but has been recently undermined by changes to school funding. These changes have shifted the funding balance away from public schools, and towards private and religious schools.⁴⁷ Justified in the name of choice, this change has actually reduced choices for many by leaving entire post-codes lacking any comprehensive public schooling.⁴⁸ Private school fees exclude students from low socio-economic backgrounds, concentrating them in the under-funded public system. Australia’s recent approach to education has resulted in a low and falling ranking in global measures of performance among disadvantaged students.⁴⁹⁵⁰

Private schooling also divides students along religious lines and has led to cases where taxpayer-funded schools are actively refusing to meet educational standards in areas such as science education.⁵¹ Religious indoctrination (whether through organised schooling or chaplaincy programs) is a fundamentally inappropriate use of taxpayer funds in a secular country.

Pirate Party Australia believes that accountability, not false choice, should be the guiding light in allocating taxpayers’ money. While private schools are entitled to exist, we believe they should return to a traditional funding model, with federal subsidies gradually withdrawn and redirected to sponsor a truly effective, needs-based funding system in public schools. Public schools can be revitalised through the abolition of paperwork-based accountability and vesting of control over administration, hiring and funds to principals and school boards, which will be open to parents.

Pirate Party Australia believes a greater emphasis should be placed on teaching life skills and entrepreneurialism to students. We will also seek to trial a funding mechanism to allow schools to ‘bulk-bill’ costs of after-school instruction so that qualified experts can be engaged to teach in areas of interest chosen by students and parents. Niche and special-interest education will

encourage social mixing and provide more tools to overcome disadvantage.

To improve teaching standards, Pirate Party Australia advocates extensions in supported classroom time for trainee teachers in conjunction with a rise in top-end salaries for teachers with significant experience. We will also seek to reduce some of the institutional pressure placed on students to remain at school after Year 10, since forcing unwilling students to stay ultimately leads to the disruption of more engaged students. Students wishing to study at TAFE after Year 10 should be free to do so, with per-student funding following them.

Tertiary education

Tertiary education is increasingly important as we shift towards a more knowledge-based economy. While student numbers continue to rise, growing evidence exists of a troubling deterioration in standards and academic morale in universities. This manifests in various ways: approximately half of academics have been assessed to be at risk of psychological illness due to insecurity and overwork,⁵² while two thirds believe academic freedom is being curtailed.⁵³ Higher education has suffered from efforts by successive governments to force it into a top-down, corporatist structure. This is an inappropriate form for an education system and one which has led to increasing stultification and surveillance, with demands for corporate style messaging eating away academic freedom of speech. The drive towards pseudo-measurement of educational outcomes has imposed unprecedented administrative costs, with administrators and managers now outnumbering academics (who nonetheless face increasing demands to conduct administration).

The impacts of corporatised education are uniformly contrary to what is intended. The narrow emphasis on vocational education is creating graduates unfit for many jobs - employers have raised issues with serious deficits in team work, creative thought and communication.⁵⁴ Administrative burdens imposed in the name of quality assurance are driving down quality by drawing resources out of teaching and research. Attempts to quantify educational outputs obscure more than they reveal. And the lowering of standards to accommodate overseas students is reducing Australia's attractiveness as an international student destination.⁵⁵

Genuine transparency means accountability to the general public, not to a corporate structure. We believe that publicly funded academic research should be made freely available to the public and no longer locked up behind publisher paywalls. We also believe in enhancing the quality of academic work by following the advice of academics themselves, who urgently seek fairer funding arrangements and greater autonomy. Education should be viewed as a pillar of civil society rather than a money making commodity, and we believe campuses should be encouraged to play a greater role in the community. Passion, curiosity and freedom to speak and question are key curbs to unhindered power, and a successful university system should embody those traits.

Research

Scientific research is vital to our future, and far more should be conducted to support our economy as well as our fundamental understanding about the world we inhabit. Pirate Party Australia would accordingly establish a \$5 billion permanent endowment fund to foster fundamental research across all disciplines. We will also reverse short-sighted funding cuts to scientific and academic bodies. To support more applied research, Pirate Party Australia would trial an innovation voucher scheme. Vouchers will provide credit of up to \$50,000 to small business for the purchase of R&D services from educational and research institutions, who then obtain voucher funds from the government. Vouchers will lead to an increase in research funding while ensuring priorities for such research are driven by business needs. They offer a way for small businesses to overcome relative disadvantage against large firms who have more capacity to engage in R&D. They will also build bridges between businesses and research sectors.

POLICY TEXT

Improve provision of community based childcare

- Provide certification processes and a one-stop information service for the setup of childcare cooperatives.

Foster well-funded, dynamic and secular public schools

- Reallocate federal education funding:
 - Progressively withdraw funding to private schools over 10 years, with allowance for private schools to transfer or sell land and assets into the public system.
 - Abolish the school chaplains program.
 - Direct funding towards full implementation of Gonski reforms as part of a needs-based funding system.
- Change school accountability frameworks:
 - Abolish existing paperwork accountability systems.
 - Provide schools with control over finances including management of bank accounts and full control over purchases.
 - Support the establishment of principal networks to encourage the spread of effective systems.
 - Allow students 16 and over to transfer to TAFE and provide vouchers to offset fees.
 - Trial a bulk billing scheme for extracurricular activities including tutoring from outside experts in areas determined by students and parents.
- Provide stronger support and incentives to teachers:
 - Ensure trainee teachers receive a minimum of 12 weeks supported classroom time.
 - Allow ongoing salary progression for teachers with more than 10 years experience.
- Include a solid foundation of life skills and personal development within the National Curriculum:
 - Grades 1-4 to cover behaviour towards others, people skills, and exploration of science and critical thinking;
 - Grades 5-6 to develop earlier material and additionally cover sex education, conflict resolution, and ethics;
 - Grades 7-8 to develop earlier material and additionally cover accidents and emergency response, civics and voting, budgeting, basic IT skills, careers and starting a business.
 - Limit religious study to comparative religion in the context of history, culture and literature.
- * Abolish Special Religious Instruction in public schools.
- Enact a pilot program to distribute open source, low cost, 3D printers to interested high schools.

Support academic autonomy in tertiary institutions

- Impose benchmarks to guarantee the use of public funds for academic salaries, teaching material and research.
- Expand full-time academic positions targeting a maximum student-teacher ratio of 20:1.
 - Study leave, research time, and fieldwork to be guaranteed in academic contracts.
- Restore academic control over course and research funding, course design & outcomes, unit guides, marking, workload allocation, hiring, and teaching choices.
- Defund administrative functions and organisations associated with monitoring, surveillance, government reviews and data collection.
 - Abolish standardising and rigid templates.
 - Abolish the Excellence in Research for Australia initiative.
 - Abolish code of conduct restrictions on academic speech.
 - Limit the Tertiary Education Quality and Standards Agency to an advisory role.

Increase public access to education outputs

- Institute Open Access provisions for publicly funded academic, peer-reviewed, journal articles produced within universities.
 - Universities and publishers to make all articles freely available to the public without

- paywalls or publisher restrictions.
- Promote increased use of campuses for community seminars, live events and public debates.
- Increase provision of free online courses.
- Establish a fund to support groups and facilities providing free intra- and extra-curricular activities and content.
- Restore tertiary funding path to 2010 levels.
- Regulate university fees such that no Commonwealth supported student pays more than 30% of the average cost for a degree.
 - Charge a zero real interest rate for HECS debts.
- Replace the lifetime FEE-HELP limit with a maximum loan cap, offset by repayments.
- Universities to fund counselling and childcare without compulsory service fees.
- Restore funding to access and equity measures assisting students from lower socioeconomic and indigenous backgrounds.
- Increase course-driven interaction between students and businesses or community groups.
- Full whistle-blower protections to apply with regard to Unileaks and similar outlets.

Develop Australia's research and scientific potential

- Establish a \$5 billion endowment fund to support fundamental research across all scientific disciplines.
 - An independent panel of scientific experts will oversee grant applications.
 - Grant periods will be determined based on the requirements of the research.
 - Patents generated through funded research will enter the public domain.
- Trial an 'innovation voucher' scheme to support applied research.
 - One thousand vouchers with a value of up to \$50,000 will be released.
 - Vouchers will provide businesses with credit to procure services including applied research, product development, design, and engineering from educational and research bodies.
- Reverse funding cuts to the CSIRO.

PM-4 Energy, Environment and Climate Change & Animal Welfare

Put by: Mark Gibbons, on behalf of the Policy Development Committee

MOTION

To replace the existing Energy Policy and relevant parts of the Environment and Animal Welfare Policy with the proposed Energy, Environment and Climate Change Policy, and to replace the remainder of the Environment and Animal Welfare Policy with the proposed Animal Welfare Policy.

PM-4.1 Energy, Environment and Climate Change

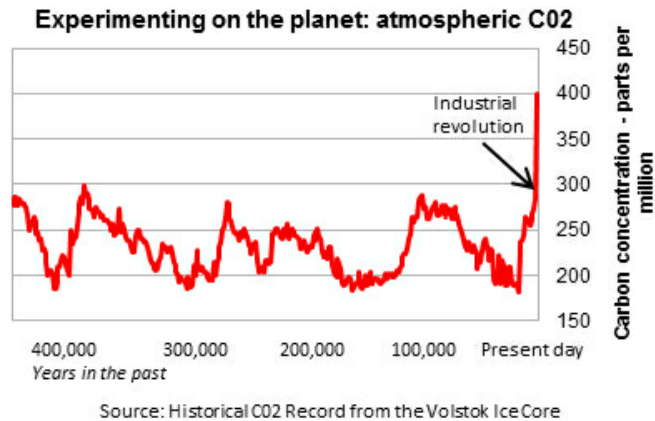
PREAMBLE AND PLATFORM AMENDMENT

Pirate Party Australia supports science-based action and therefore accepts the scientific view on the need to address climate change. The welfare of future generations is important enough to warrant application of the precautionary principle in our environmental management. Accordingly, Pirate Party Australia seeks to step up our response to climate change capitalise on the vast potential that science and technology now offer.

A 21st century energy grid

Australia has significant natural advantages as an energy producer. However, persistent under-

investment has left an energy model riddled with problems. Obsolete coal power plants across the nation have deteriorated to the point that accumulated maintenance costs have topped \$100 billion.⁵⁶ A “business as usual” approach will pass the entire burden of costs to consumers and businesses in the form of perpetually rising energy prices. This comes on top of the hidden costs coal power already imposes on our health, waterways and ecosystems.



Investment in renewable energy generation offers more than just a chance to liberate the economy from these costs. Renewable generation can democratise energy markets.⁵⁷ Onsite solar generation and community ownership is the 21st century alternative to centralised state- and corporate-owned grid monopolies. We believe the trend toward solar energy generation should be supported through the introduction of a strong and unified national solar feed-in tariff. Feed-in tariffs have been highly successful in developing baseload renewable grids overseas,⁵⁸ and the unification of piecemeal state schemes will provide essential certainty and simplicity for businesses.⁵⁹ The Pirate Party would seek to extend solar tariffs to larger scale solar installations, and support businesses and community centres as well as households. To offset energy poverty, vouchers would be distributed to low income earners to enable installation of solar PV, solar hot water systems, or energy efficiency improvements.

Pirate Party Australia also supports improvements to energy efficiency standards for vehicles and buildings and a roll-out of facilities for electric vehicles (EVs). EV batteries are valuable components of a renewable energy grid since their capacity to act as ‘dispatchable demand’ is useful to help to balance energy supply.

The weight of scientific evidence clearly shows that the uncontrolled burning of remaining global coal reserves will have severe effects on global climate, with impacts on our ecology, oceans, cities and farms.⁶⁰ This manifests the principle of privatised profits and socialised losses, which the Pirate Party opposes. Pirate Party Australia will accordingly will seek to implement a phased-in tax on coal exports, which will ultimately bring exported emissions under the same carbon price as domestic emissions. A fixed carbon price is an effective way to drive investment, cut emissions and reduce taxes on work and savings, and is less opaque and volatile than an ETS.⁶¹ Revenue raised through taxing coal exports will fund climate change measures at no cost to domestic taxpayers.

While the changes required to our energy model are significant, the benefits will be immense. A transformation of Australia’s energy grid will meet climate change objectives and reduce the debilitating costs of dirty power sources on economic growth, public health,⁶² and waterways.⁶³ Investment in our farms and regions will provide economic stimulus, create tens of thousands of skilled jobs, and improve the resilience of farms and small businesses by allowing them to ‘dual use’ their land and premises to supply energy. Our economy will benefit from lower and less volatile energy prices and the avoidance of dead-weight costs attached to maintaining an ageing coal grid.

Investment in renewable energy is more than just a response to climate change: it is an important

economic reform.

Preserving Australia's ecology

Pirate Party Australia believes management of our environment should be holistic and reflect the best available scientific knowledge. Cases such as the Murray-Darling system demonstrate the risks of splitting ecosystem management across state borders: a more unified approach which recognises the interconnections and complexity of ecosystems is needed.⁶⁴ Accordingly, we will press for the development of a comprehensive biodiversity matrix to better classify land and ocean ecosystems. This will underpin a more scientific approach to land management, which can be further enhanced through expanded Federal environmental oversight conducted under an independent authority. A biodiversity matrix will also provide the public with essential information about the ecological health of our continent and inform potential expansion of our critical national parks.

We also urge a halt to coal seam gas (CSG) extraction, which is currently being undertaken from a position of profound ignorance regarding its impacts on rivers, groundwater, and food security. Given the emerging evidence of fugitive emissions leaks and other unforeseen impacts,⁶⁵ we believe hydraulic fracturing should be subject to a moratorium until meaningful evidence is available to demonstrate its safety.

Questions of ecology and energy are ultimately about adjudicating between the rights of current and future generations. The Pirate Party believes in the adoption of an open and scientific framework to help inform these difficult questions.

POLICY TEXT

The Pirate Party would seek to implement the following measures.

Accelerate investment in renewable energy

- Combine state solar feed-in tariffs into a single national tariff.
 - Extend tariff coverage to include solar PV and large scale solar (including solar thermal).
 - Extend availability of tariffs to households, farms, businesses and community facilities including schools.
 - Subject tariff contracts on offer to annual reviews and cost containment through automatic degression as a function of the quantity of renewables deployed.
 - Provide low income earners with vouchers to fund installation of solar PV systems, solar hot water systems, or improvements in energy efficiency.
 - * Where properties are rented, vouchers for solar hot water or energy efficiency upgrades will be provided to landlords.
 - Funding for solar tariffs and vouchers will be drawn from revenue obtained through a carbon price on coal exports.
- Extend the Renewable Energy Target to 80,000 GWh by 2030.
 - Promote energy storage and baseload generation by increasing the number of renewable certificates offered for generation at peak periods.
- Protect and restore climate change instruments including the Carbon Farming Initiative, the Climate Change Authority, the Clean Energy Finance Corporation and ARENA.
- Provide an additional \$60 million over 3 years to the CSIRO energy storage research program to support research into cheaper storage solutions for solar and other renewable power.

Improve energy efficiency and carbon mitigation

- Restore a carbon tax with pricing set to the 2014-15 level and price increases fixed at CPI + 5% p/a.
 - Extend coverage to include heavy on-road transport.
 - Extend coverage to include coal exports, subject to a phase-in period, and exemptions

where buyers utilise carbon capture and storage technology.

- * Restore full funding to the Carbon Capture and Storage Flagships program.
- Improve energy efficiency for vehicles.
 - Adopt EU 2020 vehicle fuel efficiency standards including the passenger vehicle target of 95g CO₂/Km by 2023.
 - Form a panel of government and industry representatives to develop a plan for roll-out of electric vehicle (EV) charging stations and development of an Australian standard for EV rechargers.⁶⁶
 - * Assistance to private operators who wish to operate recharging stations will be offered through the Clean Energy Finance Corporation.
 - * A corporation will be created with joined State and Federal Government ownership to lease recharging sites on public land.
- Improve energy efficiency for buildings.
 - Enforce the 2006 Council of Australian Governments Joint Communiqué requiring nationwide deployment of smart meters.
 - * Protect smart meter data to ensure it cannot be used to gather law enforcement intelligence without a court order.
 - Ensure non-residential buildings are subject to transparent disclosure of energy ratings, with performance-based standards applied to all retrofits and new buildings.
 - Require rented properties to meet an energy efficiency minimum standard (encompassing provision of energy and water efficient fixed appliances and fixed heating) by 2015.
 - * Vouchers will be provided to allay costs (see above).
 - Allow Clean Energy Finance loans related to energy efficiency to be collected through utility meters.
- Support carbon mitigation through improved land management.
 - Provide an additional \$60 million over 3 years to the CSIRO Sustainable Agriculture Flagship program, to support research, development and deployment of carbon sequestration including biochar.
 - Deploy 'Green Corps' to assist farmers with cost-free reforestation and re-vegetation of marginal land.

Improve land management to protect biodiversity

- Develop a biodiversity matrix to classify land and ocean ecosystems and species distribution.
 - Information collected will be published, and will inform land use changes, development approvals, and management of national parks.
 - Species reported as being at risk of extinction will be listed as "notifiable".
 - Funding cuts to the Biodiversity Fund will be reversed.
- Expand the environmental oversight of the federal government to cover climate, rivers and water areas, national parks and forests.
 - Provide independent statutory status to areas overseeing environmental approvals.
 - Ensure clear channels exist for local and community input, with autonomy devolved to regional communities and expert bodies in matters of purely local impact.
 - Ban port expansions, dredging and offshore dumping of dredge spoil within World Heritage waters.
 - * Provide additional \$20 million funding to the Reef Rescue program to support management of water quality issues in the Barrier Reef.
- Increase national park thresholds to cover 15% of land in Australia, with a representative sample of at least 80% of regional ecosystems protected in each bio-region.
 - Engage NGOs in management of feral animals, with options to include the creation of fenced-off "arks" where endangered native species can be re-introduced.
 - Reverse the burden of proof currently applying to the 'Assessment and Approvals' section of the National Parks Act in areas where the biodiversity matrix records high biodiversity value.
- Institute a moratorium on extraction of coal seam gas through hydraulic fracturing.
 - The moratorium will apply to new mines and additional fracturing on current mines in metropolitan areas.
 - Periodical reviews will assess evidence and present recommendations to the Govern-

- ment on the scientific case for lifting or modifying the moratorium.
- Extraction and exploration in or around water catchment areas and aquifers will be permanently banned.
- Landowners will be granted a right to refuse exploitation of coal seam gas on land they own.

PM-4.2 Animal Welfare

PREAMBLE AND PLATFORM AMENDMENT

The Pirate Party is opposed to animal abuse and believes our laws should be informed by scientific research which demonstrates the capacity of animals to feel emotion and pain.⁶⁷ The improvement of public understanding through transparency and scientific discovery has been crucial to improvements in animal welfare to date, and we believe in the further application of these principles. Accordingly, we support existing efforts to create an independent statutory authority to conduct research and improve animal welfare outcomes. We also support improvements in the level of transparency applying to animal products.

The Pirate Party believes live exports need to be examined, with ongoing efforts made to promote chilled meat exports as an alternative to the live cattle trade: live exports are characterized by months-long voyages, unsanitary conditions and total absence of any freedom of movement, with a significant follow-up risk of abuse in destination countries.⁶⁸⁶⁹ Efforts to improve live export conditions—in conjunction with sensible domestic reforms—offer the best chance for a ‘net’ gain in global animal welfare.

POLICY TEXT

Foster improvements in animal welfare

- Support existing proposals to form an Independent Office of Animal Welfare (IOAW).
 - The IOAW authority will be dedicated to animal welfare issues, with enforcement powers and a mandate to adopt a scientific approach.
 - The authority will have statutory independence to prevent political and commercial interference.
- Improve legislation applying to animal product industries.
 - Ban the use of sow stalls.
 - Codify a legal requirement for all abattoirs to stun animals prior to slaughter.
 - Provide whistleblower protection for persons who expose animal abuse at factory farms and other facilities.
 - Ensure transparent and clear labeling of all animal based products, with “free range” label permitted only when:
 - * Independent audits of sanitary and welfare conditions are allowed.
 - * For birds, indoor stocking density is at a maximum level of 28 kg of live birds per sq metre (35 kg for turkeys), with unrestricted access to an outdoor range with maximum of 1500 birds per hectare, no use of growth promoters, no mutilations (beak trimming, toe trimming, de-snooding).
 - * For pigs and cattle, unrestricted access to soil and pasture and no use of farrowing crates, sow stalls, feedlots, tail docking, teeth clipping and nose ringing.
- Enact a package of reforms to transform and improve the live exports industry.
 - Provide assistance for willing live animal exporters to shift to chilled/frozen meat exports.
 - Require transparency and minimal standards for animal handling among destination countries as a condition of sale.
 - * Australian trade officials to inspect animals upon arrival and in abattoir facilities in destination countries.

- Reduce numbers of animals carried in ships and holding pens, and ensure sufficient provision of food and water.
- Ensure open and transparent systems for euthanising animals, with a requirement to use stun equipment.

PM-5 Tort of Privacy

Put by: David Crafti, on behalf of the Policy Development Committee

MOTION

To insert the proposed preamble and platform amendment as a sub-subsection under the Privacy subsection of the Civil Liberties Policy, and to insert the amendments to the policy text under the heading "Increase legal protections for privacy."

PREAMBLE AND PLATFORM AMENDMENT

Tort of privacy

In addition to supporting further protections of human dignity through the curtailing of state-sponsored surveillance, Pirate Party Australia recognises that the pervasiveness and continual expansion of private and public recording equipment pose serious implications for privacy. Free expression will be significantly curtailed if all aspects of people's lives are subject to orchestrated or ad hoc surveillance. As such, we support the enactment of a statutory tort that covers both intrusions into seclusion as well as misuse of private information.

POLICY TEXT

- Implement the Australian Privacy Foundation recommendations⁷⁰ to create a single tort covering both intrusion into seclusion and misuse of private information.⁷¹
 - The tort would be prescriptive in defining high- and low-water marks for examples or classes of acts that are or aren't covered, in order to reduce potential conflict between freedom of speech and privacy.⁷²
 - * Discretion in interpreting objectives of the tort would otherwise be left to courts.
 - A public interest test will apply.⁷³
 - The tort would apply to actions of all legal people in private or public capacities, including corporations, but would only be actionable by natural persons.⁷⁴
 - The tort would be actionable for up to a year from the point of discovery, by either an aggrieved party, their family or estate, or by the relevant commissioner.⁷⁵
 - A variety of remedies would be available for cases where privacy has been violated.⁷⁶
 - * Examples of such remedies include damages, apologies, injunctions and other equitable remedies.

PM-6 Tax and Welfare

Put by: Mark Gibbons, on behalf of the Policy Development Committee

MOTION

To replace the existing Tax Policy and Welfare Policy with the proposed Tax and Welfare Policy.

PREAMBLE AND PLATFORM AMENDMENT

Australia's tax and welfare systems have grown so complicated that they are almost impossible to understand.⁷⁷ Our tax system includes more than 120 taxes⁷⁸, with the complexity forcing more than two thirds of taxpayers to file returns through tax agents.⁷⁹ Buried in the complexity are distortions which promote speculation and borrowing at the expense of work and saving,⁸⁰ burdensome business and payroll taxes which hamper entrepreneurialism and job creation,⁸¹ and ill-conceived charges on home sales which penalise home buyers and the young. Our tax system is estimated to impose efficiency losses of over \$20 billion on the economy every year.⁸²

The welfare system faces similar problems: it has grown in ad-hoc fashion to encompass more than 20 separate payments, each with different means tests, sub-payments, administrative arrangements and compliance regimes.⁸³ Administrative costs for tax and welfare run to over \$5 billion annually, with \$80 billion "churned" between systems (collected as tax and then returned to the same taxpayers as welfare) each year. The complexity of systems makes government transparency impossible, with the financial relationship between taxpayers and the state left unfathomable to taxpayers and policymakers alike.

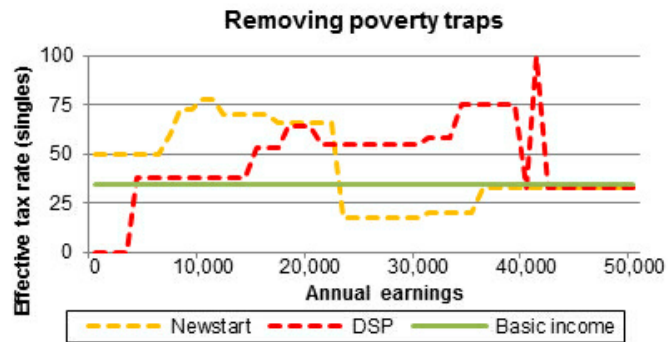
Poor interaction between tax and welfare systems traps people in poverty. Recipients leaving welfare for work face a combination of large benefit cuts and income tax, which can lead to effective losses of more than 70% of earned income.⁸⁴ This punishes the drive to be self-sufficient, and poor incentives are leading to inter-generational welfare dependency.⁸⁵ Attempts to force behaviour change through harassment and micromanagement add to bureaucracy, but cannot reduce overall unemployment or correct the underlying incentive problem.

Basic income through reverse taxation

The advance of digital technology places many jobs at risk,⁸⁶ making it increasingly urgent to reduce tax on labour to keep it competitive. At the same time, a host of issues around transparency, bureaucracy and misaligned incentives need to be addressed. Ultimately, what is required is a comprehensively different model of tax and social support. The Pirate Party proposes a replacement of current systems with a unified tax and welfare system underpinned by a negative income tax.

Negative income tax is tax in reverse - money paid by the government to those with low or no taxable income. It is social support provided directly through the tax system rather than through a separate welfare system. The Pirate Party plan is for a tax threshold of \$40,000 in conjunction with a tax rate of 35%. Under this plan the first \$40,000 of earnings will be tax-free, with a flat rate of 35% applied on earnings above that. However, people earning less than \$40,000 will receive 35% of the shortfall transferred to them from the government in the form of negative income tax. Thus, persons earning nothing at all are guaranteed a basic income of \$14,000 (representing 35% of the \$40,000 by which they fall below the threshold). The following examples show how income is modified under a negative income tax:

Income before tax	Tax threshold	Gap between income & threshold	Tax rate	Change in income	Income after tax
\$0	\$40,000	-\$40,000	35%	+\$14,000	\$14,000
\$30,000	\$40,000	-\$10,000	35%	+\$3,500	\$33,500
\$40,000	\$40,000	\$0	35%	Nil	\$40,000
\$50,000	\$40,000	\$10,000	35%	-\$3,500	\$46,500
\$100,000	\$40,000	\$60,000	35%	-\$21,000	\$79,000



Source: Australia's Future Tax System Consultation Paper, Treasury, chart 4.11

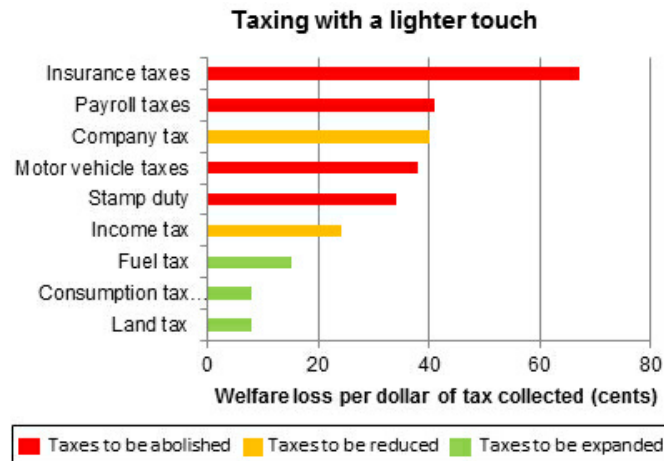
Negative income tax is a progressive tax system which provides a safety net for those unable to earn. It also supplements poverty-level wages, providing those on low incomes with more latitude to improve their training and skills. Other taxpayers gain a significantly higher tax free threshold which efficiently replaces the cluttered array of existing thresholds and offsets. Many forms of middle class and business activity are already supported with automatic tax credits: providing social support under the same principle will restore a form of balance between state and citizens, since the government will no longer be able to take income from citizens while refusing counter-obligations to citizens whose income collapses. The current tax system discourages work by taxing it more than other sources of income such as capital gains and 'unearned' income including inherited wealth. Under a negative income tax system all forms of income are treated equally, allowing the basic tax rate to be lowered across the board.

Social support delivered through an automatic mechanism will foster 'positive liberty' by granting universal flexibility to receive education and training, volunteer, create art and culture or raise children without bureaucratic obstacles and complex payment rules. The income of farmers and workers with erratic working arrangements will be stabilised. Churn between systems will cease, since no recipient of benefits will pay tax and no taxpayer will receive benefits. By stepping aside, the state can cut swaths of bureaucracy while freeing individuals to explore their own potential, take entrepreneurial risks and let diversity and creativity flourish.

Most importantly, under a negative income tax no taxpayer will lose more than 35% of any dollar they earn. This will sweep poverty traps out of the system and provide a strong and permanent incentive for the unemployed to seek work.

Income guarantees have been trialled in Canada, with benefits including improved graduation rates, reduced domestic violence and better public health.⁸⁷⁸⁸ In the US, the earned income tax credit (which tops up the wages of low-paid workers) has reduced poverty by enhancing opportunities for training and education among the low paid.⁸⁹ Economists across the political spectrum have called for further implementations.⁹⁰

Supporting enterprise



Source: CGE analysis of the current tax system, KPMG Econtech, p.44

Case studies demonstrate a clear link between lower company tax and higher employment growth, economic diversification and international investment.⁹¹⁹²⁹³ The best way to balance economic and environmental priorities is to reduce company tax while also removing fossil fuel subsidies from the system along with unproductive tax offsets such as dividend imputation.⁹⁴⁹⁵⁹⁶ To further reduce costs and complexity for business, the Pirate Party will remove payroll tax and GST, which burden businesses and hamper job creation. These and dozens of other inefficient taxes can be removed and replaced with a single low and broad consumption tax as recommended in the Henry tax review.⁹⁷⁹⁸

Supporting society

Pirate Party Australia believes taxes on carbon emissions are preferable to taxes on savings and work. Accordingly, our plan preserves carbon taxing, while reducing income and other taxes. We also support the indexation of fuel excise, but believe the revenue should be used to abolish regressive car registration fees. This will ensure motorists are taxed according to “user pays” principles, with more frequent road users paying more tax. It will also improve the incentive to purchase efficient cars.

Tax reform can address the crisis around housing affordability. Pirate Party Australia will remove stamp duty (which hugely penalises new home buyers) and raise equivalent revenue through a nationwide land tax. Land taxes are preferable to most taxes since they levy on products of nature rather than products of labour. They are paid primarily by the wealthy and therefore add progressiveness to the tax code. They also encourage productive use and sale of idle land, which will increase housing supply.⁹⁹ Pirate Party Australia would also remove negative gearing and unwind the present tax break on housing capital gains: both of these loopholes carry significant budget costs and have been major drivers of runaway house prices over the past 15 years.¹⁰⁰

Finally, the Pirate Party will classify all charities as ‘deductible gift recipients’, making every charitable donation and activity tax-deductible. At the same time, we will seek to remove tax exemptions linked to ‘advancement of religion’ since a secular society has no grounds to discriminate between taxpayers on the basis of their beliefs.

The Pirate Party supports reduced bureaucracy and an overall tax and spending ratio below 25 per cent of GDP for all layers of government. We seek to deliver a tax system worthy of the digital age and a smaller, smarter government which frees its citizens to truly reach for life and liberty.

POLICY TEXT

Pirate Party Australia would undertake the following staged reforms:

Combine tax and welfare into a single, fair system through a negative income tax

- Set tax rate to 35% with a threshold of \$40,000 (generating a basic income of \$14,000 p/a).
 - Adjust the tax threshold twice per year in line with changes in the consumer price index.
 - Time negative income tax payments to supplement regular wage payments, or transfer fortnightly to those with no income.
 - Availability of basic income will extend to persons aged 18 and over, following graduation from school.
- Ensure 'neutral' and equivalent treatment for all forms of income including fringe benefits, share transfers and dividends, company cars, earnings through interest, rental or private company income, inflation-adjusted capital gains, bequeathments (excepting family-owned agricultural land), and termination payments.
 - Phase out negative gearing over five years; investors will instead be able to carry forward losses and deduct them from capital gains to reduce tax liability on property sales.
 - Ensure superannuation contributions are tax-free, with withdrawals taxed as normal income (with credit given where contribution tax was previously paid).
 - Abolish the private health insurance rebate, medicare levy and deficit levy, and replace with a single health services levy of 3% on incomes over \$80,000.
 - * This levy will be deducted with income tax, and waived for holders of private health insurance.
 - Limit tax exemption to charitable donations and items purchased for the purpose of disability support.
- 'Top up' the basic income in special cases:
 - Volunteers engaged in at least 15 hours of volunteer or community work per week should receive an additional \$2,000 annually to cover incurred costs.
 - Primary caregivers who meet requirements for schooling and vaccination (where medically possible) should receive an additional \$6,000 annually for child support. Additional per-child payments will be provided with the rate reduced by 25% for each subsequent child.
 - Aged and disabled persons, veterans, and full-time carers should receive an increase in the basic income to match existing pension levels.
 - Taper out all top-ups as income rises, with tax and income thresholds returning to normal once an individual's taxable income reaches \$100,000.
- The basic income will replace existing welfare programs including Newstart, Age Pension, Austudy, Family Tax Benefits parts A and B, School Kids Bonus, Rental Assistance, Income Support Bonus, Low Income Super Contribution, the Disability Support Pension, and Carer Payments.
- The higher tax threshold will replace existing tax offsets for senior Australians, mature age workers, overseas civilians, entrepreneurs, low income earners, termination payments, zone offsets, notional tax offsets, and tax exemptions for foreign employment income.

Simplify the tax system

- Cut the company tax rate to 20%.
 - Maintain revenue by capping fuel tax credits at \$100,000 per year and abolishing dividend imputation, aviation fuel concessions, exploration and prospecting deductions, and all tax benefits applied to fund-shifting within corporate groups.
 - Implement Henry Review recommendations 28-30 to reduce administrative burdens for small businesses.¹⁰¹
 - Tax trusts as companies.
- Remove GST in current form and require states to abolish payroll tax, vehicle registration charges, stamp duties on vehicles, and insurance taxes.
 - Implement a single broad based consumption tax based on the Henry review cash-flow tax model to provide revenue to states.
 - * Financial services would be taxed equivalently to other forms of consumer spending.
 - * Exports would be exempt and imports subject to the tax, to support international competitiveness.

- Abolish stamp duty and existing land taxes.
 - Substitute a per square-metre land tax based on unimproved land value with coverage extending to owner-occupied housing.
 - * The tax will apply at differential levels based on per-meter land value, with a per-meter tax free threshold to exclude low-value land including agriculture.
 - * Land in its natural state would be excluded.
 - * Land tax bills would be debited from basic income payments, with an option for taxpayers to defer all land tax until sale of the land to protect the income-poor.
- Retain a carbon tax based on the 2012 model with coverage to include heavy on-road transport (see environment & climate change policy).

Support community benefit and 'citizen focus'

- Extend 'deductible gift recipient' status to all registered charities.
- Remove 'advancement of religion' as a charitable activity for the purpose of determining tax-exemption.
 - Tax-exemptions would no longer apply to commercial businesses run by religious organisations.
 - Tax exemptions would apply to non-commercial income earned by religious organisations if the organisation meets any other categories for exemption including provision of charity, education, culture, community service, or health.
- Provide secure online mechanisms to allow citizens to easily review their financial relationship with government and conduct digital tax transactions.
- Ensure data and reviews on the function of taxes and transfer systems are made public.
- Remove ATO powers to impose or enforce confidentiality clauses on taxpayers.
- Undertake transparent annual reviews of tax policy implementation by the Productivity Commission.
 - Assessment will include impacts on income distribution, job creation, business response and unaccounted side effects.

References for policy motions

¹Parliamentary Education Office, *How the Constitution can be changed* <<http://www.peo.gov.au/learning/closer-look/the-australian-constitution/how-the-constitution-can-be-changed.html>>.

²*Official Record of the Debates of the Australasian Federal Convention*, Melbourne, 8 February 1898, 664–691; Tony Blackshield and George Williams, *Australian Constitutional Law and Theory* (Federation Press, 5th Edition, 2010) 125–126; George Williams, *Human Rights under the Australian Constitution* (Oxford University Press, 1999), 39–42.

³Karim Giese, 'The Austrian Agenda Initiative: An Instrument Dominated by Opposition Parties' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 175.

⁴*Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community*, opened for signature 13 December 2007, [2007] OJ C 306/1 (entered into force 1 December 2009) art 11.4; Bruno Kaufman, 'Transnational "Babystep": The European Citizens' Initiative' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 228.

⁵*Constitution of Finland* (1999) s 53.

⁶Theo Schiller, 'Initiative Instruments in Germany: Variations in Regional States' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 89.

⁷Zoltán Tibor Pállinger, 'Citizens' Initiatives in Hungary: An Additional Opportunity for Power-Sharing in an Extremely Majoritarian System' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 113.

⁸Pier Vincenzo Uleri, 'Institutions of Citizens' Political Participation in Italy: Crooked Forms, Hindered Institutionalization' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 71.

⁹Daunis Auers, 'An Electoral Tactic? Citizens' Initiatives in Post-Soviet Latvia' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 53.

¹⁰Wilfried Marxer, 'Initiatives in Lichtenstein: Safety Valve in a Complex System of Government' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 37.

¹¹Algis Krupavičius 'Citizens' Initiatives in Lithuania: Initiative Institutions and Their Political Impact in a New Democracy' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 134.

¹²*Citizens Initiated Referenda Act 1993* (NZ).

¹³Anna Rytel-Warzocha, 'Popular Initiatives in Poland: Citizens' Empowerment or Keeping Up Appearances?' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 212.

¹⁴*Constitution of the Portuguese Republic* (2005) art 52.

¹⁵Víctor Cuesta-López, 'The Spanish Agenda Initiative and the Reform of Its Legal Regime: A New Chance for Participatory Democracy?' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 193.

¹⁶Georg Lutz, 'Switzerland: Citizens' Initiatives as a Measure to Control the Political Agenda' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 17.

¹⁷University of Southern California, *State I&R*, Initiative & Referendum Institute <http://www.iandrinstitute.org/statewide_i%26r.htm>.

¹⁸*Constitution of the Oriental Republic of Uruguay* (1966) art 79.

¹⁹Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 248, 8–9.

²⁰Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 4.

²¹Bill Gammage, *The Biggest Estate on Earth: How Aborigines Made Australia* (Allen & Unwin, 2011) xxii.

²²Prue Vines, *Law and Justice in Australia* (Oxford University Press, 2nd ed, 2013) 125; *Namatjira v Raabe* (1959) 100 CLR 664.

²³See eg *Aboriginals Ordinance Act 1918* (NT) s 16(1); Barbara Cummings, 'Writs and rights in the Stolen Generations (NT) case' (1996) 3(86) *Aboriginal Law Bulletin* 8, 8–10; *Trevorrow v State of South Australia* (No 5) [2007] SASC 285; see generally Prue Vines, *Law and Justice in Australia* (Oxford University Press, 2nd ed, 2013) 137–154.

²⁴Commonwealth, Royal Commission into Aboriginal Deaths in Custody, *Report of the Inquiry into the Death of Malcolm Charles Smith* (1989) 1–5; Henry Reynolds, *Forgotten War* (NewSouth, 2013) 138–157; compare to the definition of 'genocide' in the *Convention on the Prevention and Punishment of the Crime of Genocide*, opened for signature 9 December 1948, 78 UNTS 277 (entered into force 12 January 1951) art 2; Kevin Gilbert, *Because a White Man will Never Do It* (Angus and Robertson, 1994) 2–5, 10; Henry Reynolds, *Frontier: Aborigines, Settlers and Land* (Allen & Unwin, 1987) 48–50, 73–74, 104–105.

²⁵Watkin Tench and Tim Flannery (ed), *1788* (Text Publishing, first published 1789, 1996 ed) 103; Henry Reynolds, *Forgotten War* (NewSouth, 2013) 136–137; Russell Hogg and David Brown, *Rethinking Law & Order* (Pluto Press, 1998) 69.

²⁶Kevin Gilbert, *Because a White Man will Never Do It* (Angus and Robertson, 1994) 2–5, 10; Russell Hogg and David Brown, *Rethinking Law & Order* (Pluto Press, 1998) 69.

²⁷Henry Reynolds, *Frontier: Aborigines, Settlers and Land* (Allen & Unwin, 1987) 48–50, 73–74, 104–105.

²⁸Russell Hogg and David Brown, *Rethinking Law & Order* (Pluto Press, 1998) 69; Kevin Gilbert, *Because a White Man will Never Do It* (Angus and Robertson, 1994) 2–5, 10.

²⁹Russell Hogg, 'Punishment and Race in Colonial Settler Society: The Australian Case' (2001) 3 *Punishment and Society* 362, 362–365; Barbara Cummings, 'Writs and rights in the Stolen Generations (NT) case' (1996) 3(86) *Aboriginal Law Bulletin* 8, 8–10; Prue Vines, *Law and Justice in Australia* (Oxford University Press, 2nd ed, 2013) 137–154.

³⁰Commonwealth, Royal Commission into Aboriginal Deaths in Custody, *National Report* (1991); Prue Vines, *Law and Justice in Australia* (Oxford University Press, 2nd ed, 2013) 135–137; Russell Hogg and David Brown, *Rethinking Law & Order* (Pluto Press, 1998) 69; Alan Norrie, *Crime, Reason and History* (Butterworths, 2001) 214; Rob White and Santina Perrone, *Crime and Social Control* (Oxford University Press, 2nd ed, 2005) 42; Michael Head and Scott Mann, *Law in Perspective* (UNSW Press, 2nd ed, 2009) 48; Kevin Gilbert, *Because a White Man will Never Do It* (Angus and Robertson, 1994) 2–5, 10–11.

³¹(1992) 175 CLR 1.

³²Peter Butt, *Land Law* (Thomson Reuters, 6th ed, 2010) 975–976.

³³Commonwealth, *Parliamentary Debates*, House of Representatives, 13 February 2008, 167–177 (Kevin Rudd, Prime Minister and Brendan Nelson, Leader of the Opposition).

³⁴*Delgamuukw v British Columbia* (1997) 153 DLR (4th) 193; *Faulkner v Tauranga District Council* (1996) 1 NZLR 357; *Johnson v McIntosh* 21 US 681 (1823); see also *Fejo v Northern Territory* (1998) 195 CLR 96, 149 (Kirby J); *Treaty of Waitangi* (signed 6 February 1840); Sir Kenneth Keith, 'The Treaty of Waitangi in the Courts' (1990) 14 *New Zealand Universities Law Review* 37; Howard R Berman, 'The Concept of Aboriginal Rights in the Early Legal History of the United States' (1978) 27 *Buffalo Law Review* 637; Sir Anthony Mason, 'The Rights of Indigenous Peoples in Lands Once Part of the Old Dominions of the Crown' (1997) 46 *International & Comparative Law Quarterly* 812; Ronald Sackville, 'The Emerging Australian Law of Native Title: Some North American Comparisons' (2000) 74 *Australian Law Journal* 820; Paul Havemann (ed), *Indigenous Peoples Rights in Australia, Canada and New Zealand* (Oxford University Press, 1999); *Canada Act 1982* (UK) c 11, sch B s 35; *Adong bin Kuwau v Kerajaan Negeri Johor* [1997] 1 MLJ 418; *Nor Anak Nyawai v Borneo Pulp Plantations* [2001] CLJ 769; *Sagong Tasi v Kerajaan Negeri Selangor* [2002] 2 CLJ 543; *Alexkor Ltd v Richtersveld Community* (2004) 5 SA 460 (Constitutional Court).

³⁵Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution*, January 2012, 49–61.

³⁶*Official Record of the Debates of the Australasian Federal Convention*, Melbourne, 8 February 1898, 664–691; Tony Blackshield and George Williams, *Australian Constitutional Law and Theory* (Federation Press, 5th ed, 2010) 127; George Williams, *Human Rights under the Australian Constitution* (Oxford University Press, 1999) 41.

³⁷*Australian Constitution* ss 25, 51(xxvi).

³⁸Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution*, January 2012, 220–221.

³⁹Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution*, January 2012, 11.

⁴⁰Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 8–9.

⁴¹Helen Gregorcuk, 'Citizens Initiated Referenda' (Research Bulletin No 1/98, Parliamentary Library, Parliament of Queensland, 1998) 8.

⁴²Georg Lutz, 'Switzerland: Citizens' Initiatives as a Measure to Control the Political Agenda' in Maija Setälä and Theo Schiller (eds), *Citizens' Initiatives in Europe* (Palgrave Macmillan, 2012) 18.

⁴³Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution*, January 2012, 220–221.

⁴⁴House of Representatives Standing Committee on Infrastructure and Communications, Parliament of Australia, *At what cost? IT pricing and the Australia tax* (2013) xii–xiii.

⁴⁵'Education For All: Meeting Our Collective Commitment', Text adopted by the World Education Forum Dakar, Senegal, 26–28 April 2000, http://www.unesco.org/education/efa/fr/ed_for_all/dakfram_eng.shtml (Accessed June 20 2013)

⁴⁶Boyle, Why co-ops should be the future for childcare, June 2012. <http://www.theguardian.com/social-enterprise-network/2012/jun/07/cooperative-childcare-private-equity-nurseries> (Accessed 8 July 2014)

⁴⁷Buckingham, The rise of religious schools, Centre for Independent Studies, page 2, 2010. <https://www.cis.org.au/images/stories/policy-monographs/pm-111.pdf> (Accessed 8 July 2014)

⁴⁸Maddox, Rise of private schools marks return to 19th century waste, February 2014, <http://www.theage.com.au/comment/rise-of-private-schools-marks-return-to-19th-century-waste-20140207-32745.html> (Accessed 8 July 2014)

⁴⁹PISA in Brief, Highlights from the full Australian report, December 2013. <http://www.abc.net.au/news/2013-12-03/pisa-2012-results-in-brief/5132794> (Accessed 7 July 2014)

⁵⁰Hurst, Australia's poor school results spark fresh debate about education funding, December 2013, <http://www.theguardian.com/world/2013/dec/04/coalition-seizes-on-poor-test-rankings-to-claim-more-money-does-not-improve-results> (Accessed 7 July 2014)

⁵¹Maddox, Too Much Faith in Schools: The Rise of Christian Schooling in Australia, 21 March 2014. <http://www.abc.net.au/religion/articles/2014/03/20/3968199.htm> (Accessed 8 July 2014)

⁵²'Occupational stress in Australian university staff: Results from a national survey', Winefield et al. 2002, page 8

⁵³Kayrooz, Kinnear & Preston, 'Academic Freedom and Commercialisation of Australian Universities: Perceptions and experiences of social scientists', Australia Institute, 2001, page 23

⁵⁴Shah and Nair, 'Employer Satisfaction of University Graduates' Key Capabilities in Early Career Graduates', 2011, https://otl.curtin.edu.au/professional_development/conferences/tlf/

tlf2011/refereed/shah.html (Accessed June 20 2013)

⁵⁵Hil, "Whackademia: An Insider's Account of the Troubled University", 2012, page 18

⁵⁶Guy Pearse, 'Renewable Energy', *The Monthly* (online), February 2011 <<http://www.themonthly.com.au/renewable-energy-comment-guy-pearse-2988>>.

⁵⁷John Johnston, "It Has Begun: 51 Percent Of German Renewable Energy Is Owned By Citizens" on *The 9 Billion* (1 September 2012) <<http://www.the9billion.com/2012/01/09/it-has-begun-51-percent-of-german-renewable-energy-owned-by-citizens/>>.

⁵⁸Access Economics, 'The Economics of Feed-in Tariffs for solar PV in Australia' (Report for the Clean Energy Council, 2008) 4-8 <<http://www.feedintariff.com.au/ae-fit.pdf>>; John Gregg, 'Feed In Tariffs — The Devil Lies In The Details' on *Shaping Tomorrow's World* (13 May, 2011) <<http://www.shapingtomorrowworld.org/greggfeedins.html>>; Sven Ullrich and Craig Morris, 'Merit order effect of PV in Germany', *Renewables International* (online), 2 February 2012 <<http://www.renewablesinternational.net/merit-order-effect-of-pv-in-germany/150/510/33011/>>; Leigh Stokes, 'The politics of renewable energy policies: The case of feed-in tariffs in Ontario, Canada' (2013) 56 *Energy Policy* 490.

⁵⁹Patrick Stafford, 'Solar industry welcomes Government recommendation to unify feed-in tariffs' on *Smart Company* (3 December 2011) <<http://www.smartcompany.com.au/legal/23499-20111213-solar-industry-welcomes-government-recommendation-to-unify-feed-in-tariffs.html#>>.

⁶⁰Will Steffen and Lesley Hughes, 'The Critical Decade 2013: Climate Change Science, Risks and Responses' (Report, Climate Commission, 2013) 86–87.

⁶¹Department of the Treasury (Cth), *Strong Growth, Low Pollution: Modelling a Carbon Price* (2011) 91; Sam Meng, Mahinda Siriwardana and Judith McNeill, 'The Environmental and Economic Impact of the Carbon Tax in Australia' (2013) 54(3) *Journal of Environmental and Resources Economics* 313, 321–322.

⁶²ExternE, 'Externalities of Energy: Extension of accounting framework and Policy Applications' (Final technical report, ExternE, 2005) 35, 39; Doctors for the Environment Australia, 'How coal burns Australia: The true cost of burning coal' (Report, Doctors for the Environment Australia, 2013) 2–4; Ruth Colagiuri, Johanne Cochrane and Seham Girgis, Health and Sustainability Unit, The Boden Institute of Obesity, Nutrition, Exercise & Eating Disorders, The University of Sydney, 'Health and Social Harms of Coal Mining in Local Communities' (Report, Beyond Zero Emissions, 2012) 11–12, 32.

⁶³Wendy Wilson, Travis Leipzig and Bevan Griffiths-Sattenspiel, 'Burning Our Rivers: The Water Footprint of Electricity' (Report, River Network, 2012) 14.

⁶⁴National Parks Australia Council, Submission No 161 to Department of the Environment, *Independent review of the Environment Protection and Biodiversity Conservation Act 1999*, 2008.

⁶⁵Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education, *Coal Seam Gas: Enhanced Estimation and Reporting of Fugitive Greenhouse Gas Emissions under the National Greenhouse and Energy Reporting (Measurement) Determination*, Technical Discussion Paper (2013) 6; Matt Grudnoff, 'Measuring Fugitive Emissions: Is coal seam gas a viable bridging fuel?' (Policy Brief No 41, The Australia Institute, 2013).

⁶⁶Thomas Bräunl, 'Setting the standard: Australia must choose an electric car charging norm' on *The Conversation* (16 September 2013) <<http://theconversation.com/setting-the-standard-australia-must-choose-an-electric-car-charging-norm-16277>>.

⁶⁷Scruton, R., & Tyler, A. (2001). "Debate: Do animals have rights?", *The Ecologist*, 31(2), Pages 20–23.

⁶⁸"Animals Australia investigation", Australasian Meat Industries Employees Union, <http://amieu.asn.au/category/live-export/> (Accessed June 6 2013)

⁶⁹"Transportation of livestock for slaughter", RSPCA, 24/12/12, http://kb.rspca.org.au/RSPCA-Policy-F2-Transportation-of-livestock-for-slaughter_199.html (Accessed June 6 2013)

⁷⁰Australian Privacy Foundation, Submission No 39 to the Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era*, Issues Paper No 43 (2013).

⁷¹Australian Privacy Foundation, Submission No 39 to the Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era*, Issues Paper No 43 (2013) 5.

⁷²Australian Privacy Foundation, Submission No 39 to the Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era*, Issues Paper No 43 (2013) 4–5.

⁷³Australian Privacy Foundation, Submission No 39 to the Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era*, Issues Paper No 43 (2013) 6.

⁷⁴Australian Privacy Foundation, Submission No 39 to the Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era*, Issues Paper No 43 (2013) 9–10.

⁷⁵Australian Privacy Foundation, Submission No 39 to the Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era*, Issues Paper No 43 (2013) 10–11.

⁷⁶Australian Privacy Foundation, Submission No 39 to the Australian Law Reform Commission, *Serious Invasions of Privacy in the Digital Era*, Issues Paper No 43 (2013) 9–10.

⁷⁷Department of the Treasury. *Australia's Future Tax System. Report to the Treasurer*. Part One — Overview, page 11. http://www.taxreview.treasury.gov.au/content/downloads/final_report_part_1/00_AFTS_final_report_consolidated.pdf

⁷⁸Department of the Treasury. *Australia's Future Tax System. Report to the Treasurer*. Part One — Overview, page 13. http://www.taxreview.treasury.gov.au/content/downloads/final_report_part_1/00_AFTS_final_report_consolidated.pdf

⁷⁹Department of the Treasury. *Australia's Future Tax System. Report to the Treasurer*. Part One — Overview, page 31. http://www.taxreview.treasury.gov.au/content/downloads/final_report_part_1/00_AFTS_final_report_consolidated.pdf

⁸⁰Eslake, Saul. *Australia's tax reform challenge* - Australian Parliamentary Library lecture, page 3, 21 September 2011

⁸¹Khadem, Nassim. *Small business's \$12,000 GST compliance burden*. BRW. 18 December, 2012. http://www.brw.com.au/p/sections/fyi/small_business_gst_compliance_burden_4vet5VSU3DEdILVGBMPG5I (Accessed 1 March 2013).

⁸²Alex Robson, *The Costs of Taxation*, Policy Monograph 68, May 2005, page 8, <https://www.cis.org.au/images/stories/policy-monographs/pm-68.pdf> (Accessed 10 February 2014)

⁸³Dawkins, Beer, Harding, Johnson and Scutella, *Towards a Negative Income Tax System for Australia*, *The Australian Economic Review*, vol. 31, no. 3, page 238.

⁸⁴Buddelmeyer, Dawkins, Freebairn, and Kalb, *Bracket Creep, Effective Marginal Tax Rates and Alternative Tax Packages*, Melbourne Institute, page 4, <http://www.melbourneinstitute.com/downloads/reports/webreport.pdf> (Accessed 10 February 2014)

⁸⁵Pech and McCoull, *Intergenerational Poverty and Welfare Dependence: Is there an Australian problem?*, Commonwealth Department of Family and Community Services, <http://www.aifs.gov.au/conferences/aifs6/pech.html> (Accessed 12 February 2014)

⁸⁶"The Future of Jobs", *The Economist*, January 18 2014. <http://www.economist.com/news/briefing/21594264-previous-technological-innovation-has-always-delivered-more-long-run-employment-not-less> (accessed 29 May 2014)

⁸⁷Belik, *A Town Without Poverty?*, *The Dominion*, <http://www.dominionpaper.ca/articles/4100> (Accessed 10 February 2014)

⁸⁸Vooruitgang, *Why we should give free money to everyone*, de Correspondant, <https://decorrespondent.nl/541/why-we-should-give-free-money-to-everyone/31639050894-e44e2c00> (Accessed 10 February 2014)

⁸⁹*The Earned Income Tax Credit*, Center on Budget and Policy Priorities, page 2, <http://www.cbpp.org/files/policybasics-etc.pdf> (Accessed 12 February 2014)

⁹⁰Friedman, *Negative Income Tax - I*, *Newsweek*, 16 September 1968, page 86, <http://0055d26.netsolhost.com/friedman/pdfs/newsweek/NW.09.16.1968.pdf> (Accessed 12 February 2014)

⁹¹Business Tax Working Group - *Final Report*, Chapter 1, <http://www.treasury.gov.au/PublicationsAndMedia/Publications/2012/BTWG-Final-Report/html/Chapter1> (Accessed 12 February 2014)

⁹²*OECD Country Notes - Australia*, page 100, <http://www.oecd.org/eco/growth/Australia.pdf> (Accessed 12 February 2014)

⁹³Crowe, *Cut taxes, add jobs, OECD tells Australia*, February 21, 2014, <http://www.theaustralian.com.au/business/economics/cut-taxes-add-jobs-oecd-tells-australia/story-e6frg926-1226833759091> (Accessed 10 February 2014)

⁹⁴Gruen, *Tax Cuts to Compete*, Committee for Economic Development of Australia, September 27, 2006, page 22

⁹⁵Gruen, *Dividend imputation - \$20bn for the taking*, September 18, 2012, <http://www.smh.com.au/business/dividend-imputation-20bn-for-the-taking-20120917-262h2.html> (Accessed 10 February 2014)

⁹⁶Uren, *Replace Dividend Imputation: Lobby*, October 11, 2006, <http://www.theaustralian.com.au/business/replace-dividend-imputation-lobby/story-e6frg8zx-111112341883> (Accessed 10 February 2014)

⁹⁷Department of the Treasury. *Australia's Future Tax System. Report to the Treasurer*. Part One — Overview, xxi. http://www.taxreview.treasury.gov.au/content/downloads/final_report_part_1/00_AFTS_final_report_consolidated.pdf

⁹⁸Bond, Stephen R. & Devereux, Michael P. *Cash Flow Taxes in an Open Economy*. CEPR Discussion Paper No. 3401, p4.http://papers.ssrn.com/sol3/papers.cfm?abstract_id=319007 (accessed 23 April, 2013).

⁹⁹Wood, Ong, Cigdem and Taylor, "The spatial and distributional impacts of the Henry Review recommendations on stamp duty and land tax", Australian Housing and Urban Research Institute, February 2012, page 42. www.ahuri.edu.au/publications/download/ahuri_80647_fr2 (accessed 23 May 2014)

¹⁰⁰Eslake, Saul. *Australia's tax reform challenge* - Australian Parliamentary Library lecture, page 3, 21 September 2011

¹⁰¹Department of the Treasury. *Australia's Future Tax System. Report to the Treasurer*. Chapter 12 - List of Recommendations. http://taxreview.treasury.gov.au/content/finalreport.aspx?doc=html/publications/papers/final_report_part_1/chapter_12.htm

6 Discussion topics

Topics are sorted in order of popularity according to an informal poll conducted on the forum:

- (1) Freedom of speech: are there acceptable limits?
- (2) The “why” of Pirate Party Australia.
- (3) Civil liberties in the virtual world: how do we ensure our rights when there’s no physical intrusion?
- (4) How can we be more engaging in the “real world”?
- (5) The Pirate Party’s position on becoming a republic.
- (6) To encrypt or not to encrypt? That is the question.
- (7) What does “non-commercial” actually mean?
- (8) International cooperation between Pirate Parties.
- (9) The Pirate Party’s position on the G20.